

H. B. No. 28, "An Act to create a more efficient road system for Trinity county, Texas, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court of said county with regard thereto; to create the authority of the county road superintendents and to define its duties; and to provide adequate penalties for the violation of the provisions of this act; repealing Chapter 146, passed by the Thirty-fifth Legislature in Regular Session, creating a special road law for Trinity county, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 5:41 o'clock p. m., presented same to the Governor for his approval.

BEDELL, Chairman.

REPORT OF JUDICIARY COMMITTEE.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 47, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BRYANT, Chairman.

TWENTY-FIFTH DAY.

(Wednesday, September 26, 1917.)

The House met at 9:30 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Mr. Speaker.	Cadenhead.
Baker.	Carlock.
Beard of Milam.	Cates.
Beasley.	Clark.
Beason.	Cope.
Bedell.	Cox.
Bell.	Crudgington.
Bertram.	Davis of Dallas.
Blackburn.	Davis of Grimes.
Blackmon.	Davis
Bland.	of Van Zandt.
Bryan.	De Bogory.
Bryant.	Denton.
Burton of Rusk.	Dudley.
Burton of Tarrant.	Dunnam.
Butler.	Estes.

Fairchild.
Fitzpatrick.
Fly.
Haidusek.
Hardey.
Harris.
Hill.
Holaday.
Holland.
Hudspeth.
Johnson.
Jones.
Laas.
Lacey.
Lange.
Lanier.
Lee.
Lindemann.
Low
of Washington.
McComb.
McDowra.
McFarland.
McMillin.
Meador.
Mendell.
Metcalf.
Miller of Dallas.
Moore.
Morris.
Murrell.
Neeley.
Neill.
O'Banion.
O'Brien.
Osborne.
Parks.
Peyton.
Pillow.
Pope.

Raiden.
Reeves.
Robertson.
Roemer.
Russell.
Sackett.
Sentell.
Schlesinger.
Schlosshan.
Scholl.
Seawright.
Sholars.
Smith of Bastrop.
Smith of Hopkins.
Spencer of Wise.
Spradley.
Stewart.
Taylor.
Templeton.
Terrell.
Thomason
of Nacogdoches.
Thompson
of Hunt.
Thompson
of Red River.
Tillotson.
Tilson.
Tinner.
Traylor.
Tschoepe.
Veatch.
Walker.
White.
Williford.
Wilson.
Woods.
Woodul.
Yantis.

Absent.

Bagby.	Nichols.
Beard of Harris.	Peddy.
Blalock.	Rogers.
Canales.	Smith of Scurry.
Fisher.	Spencer of Nolan.
Florer.	Strayhorn.
Greenwood.	Swope.
Hartman.	Thomas.
Hawkins.	Upchurch.
Laney.	Valentine.
Lowe	Wahrmund.
of McMullen.	Williams
McCoy.	of Brazoria.
Martin.	Williams
Monday.	of McLennan.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Richards.
Dodd.	Sallas.
Miller of Austin.	Thomason
Nordhaus.	of El Paso.

The Speaker announced a quorum present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Bledsoe, indefinitely, on motion of Mr. Miller of Dallas.

Mr. Nordhaus, indefinitely, on motion of Mr. Thomason of Nacogdoches.

Mr. Richards, for today and tomorrow, on motion of Mr. Pillow.

Mr. Thomason of El Paso, indefinitely, on motion of Mr. Dudley.

Mr. Miller of Austin, indefinitely, on motion of Mr. Scholl.

Mr. Sallas, indefinitely, on motion of Mr. Lindemann.

Mr. Haidusek, for last Monday, on motion of Mr. McDowra.

BILLS ORDERED NOT PRINTED.

On motion of Mr. McMillin, it was ordered that House bill No. 57 be not printed.

Mr. Tillotson moved that House bill No. 58 be not printed, to which motion there was objection.

The Speaker then stated that under a strict construction of the Rules of the House he would sustain the objection and hold the motion out of order.

Mr. Tillotson then moved to suspend the House rule requiring all bills reported favorably to be printed before being considered by the House so far as the rule applies to House bill No. 58.

Yeas and nays were demanded and the motion to suspend prevailed by the following vote:

Yeas—80.

Baker.	Davis
Beard of Milam.	of Van Zandt.
Beasley.	De Bogory.
Bedell.	Dunnam.
Bell.	Estes.
Bertram.	Fly.
Blackburn.	Haidusek.
Blackmon.	Harris.
Bland.	Holaday.
Bryan.	Hudspeth.
Bryant.	Johnson.
Burton of Rusk.	Jones.
Butler.	Lacey.
Cadenhead.	Lange.
Carlock.	Lanier.
Clark.	Lee.
Cope.	Lindemann.
Crudgington.	McComb.
Davis of Dallas.	McDowra.
Davis of Grimes.	McMillin.

Meador.	Sholars.
Mendell.	Smith of Bastrop.
Miller of Dallas.	Smith of Hopkins.
Murrell.	Spencer of Wise.
Neeley.	Stewart.
Neill.	Taylor.
O'Banion.	Templeton.
O'Brien.	Terrell.
Parks.	Thompson
Peyton.	of Hunt.
Pope.	Tillotson.
Raiden.	Tilson.
Reeves.	Tinner.
Robertson.	Trayler.
Roemer.	Tschoepe.
Russell.	Veatch.
Sackett.	White.
Sentell.	Williford.
Schlosshan.	Wilson.
Scholl.	Woods.
Seawright.	Yantis.

Nays—18.

Beason.	Low
Burton of Tarrant.	of Washington.
Cates.	McFarland.
Cox.	Metcalf.
Denton.	Pillow.
Dudley.	Spradley.
Fairchild.	Thomason
Hardey.	of Nacogdoches.
Holland.	Thompson
Laas.	of Red River.
	Walker.

Present—Not Voting.

Mr. Speaker.	Woodul.
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Absent.

Bagby.	Nichols.
Beard of Harris.	Osborne.
Blalock.	Peddy.
Canales.	Richards.
Fisher.	Rogers.
Fitzpatrick.	Sallas.
Florer.	Schlesinger.
Greenwood.	Smith of Scurry.
Hartman.	Spencer of Nolan.
Hawkins.	Strayhorn.
Hill.	Swope.
Laney.	Thomas.
Lowe	Upchurch.
of McMullen.	Valentine.
McCoy.	Wahrmund.
Martin.	Williams
Monday.	of Brazoria.
Moore.	Williams
Morris.	of McLennan.

Absent—Excused.

Bledsoe.	Nordhaus.
Brown.	Poage.
Dodd.	Thomason
Miller of Austin.	of El Paso.

On motion of Mr. Tillotson, House bill No. 58 was then ordered not printed.

TO ADMINISTER OATH TO ACTING GOVERNOR.

Mr. Mendell offered the following resolution:

H. C. R. No. 2, Providing for administering oath to Acting Governor.

Whereas, The Senate of Texas, sitting as a high court of impeachment, has pronounced its judgment and by virtue thereof Lieutenant Governor W. P. Hobby is now Governor of Texas; therefore, be it

Resolved, That the House and Senate hold a joint session in the Hall of the House of Representatives at high noon today, September 26, 1917, and that in the presence of the joint session the oath of office be administered to Governor W. P. Hobby by the Chief Justice of the Supreme Court. That a committee of five be appointed by each house to arrange for the ceremony.

Signed—Mendell, Cope.

The resolution was read second time and was adopted.

TO PAY MISS HELEN GLENN.

Mr. DeBogory offered the following resolution:

Whereas, Miss Helen M. Glenn has worked twenty-five days, and did her work in good faith; therefore, be it

Resolved, That she be paid from the contingent fund.

Signed—DeBogory, Blackmon, Clark, Walker, Williford, Davis of Grimes, Seawright, Pillow, Spradley.

The resolution was read second time.

Mr. Cadenhead moved to table the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—43.

Baker.	McMillin.
Beard of Milam.	Metcalfe.
Beasley.	Murrell.
Bedell.	O'Banion.
Bertram.	O'Brien.
Bryan.	Peyton.
Burton of Rusk.	Raiden.
Butler.	Reeves.
Cadenhead.	Robertson.
Crudgington.	Russell.
Davis of Dallas.	Sackett.
Davis of Grimes.	Sentell.
Fitzpatrick.	Schlosshan.
Fly.	Smith of Hopkins.
Lacey.	Stewart.
Lee.	Taylor.
McComb.	Templeton.
McDowra.	Terrell.

Thompson
of Hunt.
Tilson.
Trayler.

Veatch.
Wilson.
Woods.
Yantis.

Nays—53.

Bell.
Blackburn.
Blackmon.
Bland.
Bryant.
Burton of Tarrant.
Carlock.
Cates.
Clark.
Cope.
Cox.
Davis
of Van Zandt.
De Bogory.
Denton.
Dudley.
Dunnam.
Estes.
Fairchild.
Haidusek.
Hardey.
Harris.
Hill.
Holland.
Jones.
Laas.
Lange.
Lanier.
Lindemann.

Low
of Washington.
McFarland.
Mendell.
Miller of Dallas.
Neeley.
Neill.
Parks.
Pillow.
Pope.
Roemer.
Schlesinger.
Scholl.
Seawright.
Sholars.
Smith of Bastrop.
Spradley.
Thomason
of Nacogdoches.
Thompson
of Red River.
Tillotson.
Tinner.
Tschoepe.
Walker.
White.
Williford.
Woodul.

Present—Not Voting.

Mr. Speaker.
Beason.

Johnson.

Absent.

Bagby.
Beard of Harris.
Blalock.
Brown.
Canales.
Fisher.
Florer.
Greenwood.
Hartman.
Hawkins.
Hcladay.
Hudspeth.
Laney.
Lowe
of McMullen.
McCoy.
Martin.
Meador.
Monday.
Moore.

Morris.
Nichols.
Osborne.
Peddy.
Richards.
Rogers.
Smith of Scurry.
Spencer of Nolan.
Spencer of Wise.
Strayhorn.
Swope.
Thomas.
Upchurch.
Valentine.
Wahrmund.
Williams
of Brazoria.
Williams
of McLennan.

Absent—Excused.

Bledsoe.
Dodd.
Miller of Austin.
Nordhaus.

Poage.
Sallas.
Thomason
of El Paso.

Mr. Spradley moved the previous question on the resolution, and the main question was ordered.

Question then recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—50.

Bell.	McFarland.
Blackburn.	Mendell.
Blackmon.	Miller of Dallas.
Bland.	Moore.
Bryant.	Morris.
Burton of Tarrant.	Neeley.
Carlock.	Neill.
Cates.	Parks.
Clark.	Pillow.
Cox.	Pope.
De Bogory.	Roemer.
Denton.	Schlesinger.
Dudley.	Seawright.
Dunnam.	Sholars.
Fairchild.	Smith of Bastrop.
Fitzpatrick.	Spradley.
Haidusek.	Thomason
Hardey.	of Nacogdoches.
Harris.	Thompson
Hill.	of Red River.
Holland.	Tillotson.
Jones.	Tinner.
Laas.	Tschoepe.
Lange.	Walker.
Lindemann.	White.
Low	Williford.
of Washington.	

Nays—44.

Baker.	O'Banion.
Beard of Milam.	O'Brien.
Beasley.	Peyton.
Bedell.	Raiden.
Bertram.	Reeves.
Bryan.	Robertson.
Burton of Rusk.	Russell.
Butler.	Sackett.
Cadenhead.	Sentell.
Cope.	Schlosshan.
Crudgington.	Smith of Hopkins.
Davis of Dallas.	Stewart.
Davis of Grimes.	Taylor.
Estes.	Templeton.
Fly.	Terrell.
Johnson.	Thompson
Lacey.	of Hunt.
Lee.	Tilson.
McComb.	Trayler.
McDowra.	Veatch.
McMillin.	Wilson.
Metcalf.	Yantis.
Murrell.	

Present—Not Voting.

Mr. Speaker. Beason.

Absent.

Bagby.	Nichols.
Beard of Harris.	Osborne.
Blalock.	Peddy.
Canales.	Richards.
Davis	Rogers.
of Van Zandt.	Scholl.
Fisher.	Smith of Scurry.
Florer.	Spencer of Nolan.
Greenwood.	Spencer of Wise.
Hartman.	Strayhorn.
Hawkins.	Swope.
Holaday.	Thomas.
Hudspeth.	Upchurch.
Laney.	Valentine.
Lanier.	Wahrmund.
Lowe	Williams
of McMullen.	of Brazoria.
McCoy.	Williams
Martin.	of McLennan.
Meador.	Woods.
Monday.	Woodul.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

Mr. Spradley moved to reconsider the vote by which the resolution was adopted and to table the motion to reconsider. The motion to table prevailed.

COMMITTEE TO ARRANGE FOR INAUGURATION OF GOVERNOR.

The Speaker announced the appointment of the following committee to arrange for the inauguration of Governor W. P. Hobby:

Messrs. Mendell, Cope, O'Brien, Spencer of Wise and Stewart.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 7, "An Act to prevent the introduction into the State of Texas, of the destructive cotton pest, *Pectinophera gossypiella* Saund., hereinafter referred to as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered; creating a zone along the southern and southwestern boundary of the State from which cotton and cotton products may not be transported; providing for the inspection of fields of cotton and for the inspection and general

control of cotton produced in an inspection zone; and to provide for the quarantine and control of any territory within the State within which the pink boll worm may be found; providing for an appropriation, and creating an emergency."

S. B. No. 11, "An Act to regulate the business of emigrant agents, and declaring an emergency."

S. B. No. 8, "An Act to provide for the creation of home guards under the direction of the sheriff of the county; providing for the regulation of such home guard and granting the right to counties, cities and towns to appropriate money to provide arms and ammunition for such home guard, and declaring an emergency."

S. C. R. No. 3, Directing the enrolling clerks of the Senate and House to furnish carbon copies of all enrolled bills to the Secretary of State for the use of the State printer.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally the first time and referred to the appropriate committees as follows:

By Mr. Veatch:

H. B. No. 61, A bill to be entitled "An Act repealing Chapter 197, Acts of the Thirty-fifth Legislature, at its Regular Session in 1917, and being entitled 'An Act to provide for the establishment and government of a State Normal College to be located at Alpine, Brewster county, Texas, to be known as the "Sul Ross Normal," and declaring an emergency,' cancelling and annulling all acts done in pursuance of said Chapter 197; providing for a committee to report for repayment of moneys paid out by order of any of the officers, agents or employees of the State by virtue of the authority of said Chapter 197, by the town in which said college may have been located; providing for the payment of said moneys and expenses of said committee; and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Terrell, Mr. Clark, Mr. Cadenhead and Mr. Bedell:

H. B. No. 62, A bill to be entitled "An Act to repeal Chapter 36, Acts of the First Called Session of the Thirty-fifth Legislature, approved May 25,

1917, entitled 'An Act to provide for the organization of a Ranger Home Guard,' repealing all appropriations made under the provisions of this act, not already expended, and declaring an emergency."

Referred to Committee on Appropriations.

SENATE BILL NO. 6 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 6, A bill to be entitled "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatcheries and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper; providing for a closed season on crappie, bass and catfish; prescribing the size of fish that may be taken; providing a penalty for a violation of this statute, and declaring an emergency."

The bill was read third time and was passed.

Mr. Beason moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 10 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 42 of the General and Special Laws of the First Called Session of the Thirty-fifth Legislature, relating to the State Institution for the Training of Juveniles, as found on pages 92 and 93 of the laws of the First Called Session of the Thirty-fifth Legislature."

The bill was read third time and was passed.

SENATE BILL NO. 26 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 26, A bill to be entitled "An Act to authorize the commissioners court of Brewster county, State of Texas, by a majority vote to issue scrip payable from one to twenty years from date, bearing interest at the rate of not to exceed 6 per cent; for the purpose of taking up the present indebtedness of the county incurred for the building of roads and bridges in said county; providing that the yearly net revenue, less the necessary sinking fund to cover said scrip issue, may be used by the commissioners court of said county in repairing and building roads and bridges, and declaring an emergency."

The bill was read third time.

Yeas and nays were demanded, and the bill was passed by the following vote:

Yeas—52.

Beason.	Low
Bell.	of Washington.
Blackburn.	McFarland.
Bland.	Mendell.
Burton of Tarrant.	Metcalf.
Carlock.	Morris.
Cates.	Neeley.
Cox.	Neill.
Crudgington.	Parks.
Davis of Dallas.	Peyton.
Davis of Grimes.	Pope.
De Bogory.	Robertson.
Denton.	Roemer.
Dudley.	Sholars.
Dunnam.	Smith of Bastrop.
Estes.	Spradley.
Fitzpatrick.	Templeton.
Fly.	Thomason
Haidusek.	of Nacogdoches.
Hardey.	Thompson
Hill.	of Hunt.
Holland.	Thompson
Hudspeth.	of Red River.
Johnson.	Tillotson.
Jones.	Tschoepe.
Laas.	Walker.
Lanier.	White.
Lindemann.	Yantis.

Nays—35.

Baker.	Fairchild.
Beasley.	Harris.
Bedell.	Holaday.
Bertram.	Lacey.
Blackmon.	Lee.
Burton of Rusk.	McComb.
Butler.	McDowra.
Cadenhead.	McMillin.
Cope.	Meador.

Murrell.	Taylor.
O'Banion.	Terrell.
Raiden.	Tilson.
Reeves.	Tinner.
Russell.	Trayler.
Sackett.	Williford.
Sentell.	Wilson.
Smith of Hopkins.	Woods.
Stewart.	

Present—Not Voting.

Mr. Speaker.	Miller of Dallas.
Beard of Milam.	Moore.
Bryant.	O'Brien.
Lange.	Schlosshan.

Absent.

Bagby.	Pillow.
Beard of Harris.	Richards.
Blalock.	Rogers.
Bryan.	Schlesinger.
Canales.	Scholl.
Clark.	Seawright.
Davis	Smith of Scurry.
of Van Zandt.	Spencer of Nolan.
Fisher.	Spencer of Wise.
Florer.	Strayhorn.
Greenwood.	Swope.
Hartman.	Thomas.
Hawkins.	Upchurch.
Laney.	Valentine.
Lowe	Veatch.
of McMullen.	Wahrmund.
McCoy.	Williams
Martin.	of Brazoria.
Monday.	Williams
Nichols.	of McLennan.
Osborne.	Woodul.
Peddy.	

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

Mr. McFarland moved to reconsider the vote by which the bill was passed and to table the motion to reconsider. The motion to table prevailed.

HOUSE BILL NO. 58 SET AS SPECIAL
ORDER.

On motion of Mr. Tillotson, House bill No. 58 was set as a special order for 2 o'clock p. m. today.

HOUSE BILL NO. 25 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 25, A bill to be entitled "An Act to amend Article 5692, Re-

vised Civil Statutes of Texas, as adopted in 1911, providing that actions for specific performance shall be filed within two years, and declaring an emergency."

The bill was read third time.

Mr. Sackett offered the following amendment to the bill:

Amend House bill No. 25 by striking out the word "two" in line 3 of the caption, and insert in lieu therefor the word "four."

The amendment was adopted.

House bill No. 25 was passed.

HOUSE BILL NO. 29 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 29, A bill to be entitled "An Act to amend Section 1 of Chapter 123, page 320, of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its Regular Session; so as to provide that said act shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy Regulations nor be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which shall be printed, painted, or placed said flag or flags, disconnected from any advertisement, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 30 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 30, A bill to be entitled "An Act making an appropriation out of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 36 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 36, A bill to be entitled "An Act to amend Article 6799, Chapter 2, Title 118, of the Revised Civil Statutes of the State of Texas for 1911, providing for acknowledgments of deeds and other instruments, by persons in military service of the United States government to be taken before any officer of the Judge Advocate General's Department, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—96.

Mr. Speaker.	Mendell.
Baker.	Metcalfe.
Beard of Milam.	Miller of Dallas.
Beasley.	Morris.
Beason.	Murrell.
Bell.	Neeley.
Bertram.	Neill.
Blackburn.	O'Banion.
Blackmon.	O'Brien.
Bland.	Osborne.
Bryan.	Parks.
Burton of Rusk.	Peyton.
Burton of Tarrant.	Pillow.
Butler.	Pope.
Cadenhead.	Raiden.
Carlock.	Reeves.
Cates.	Robertson.
Clark.	Sackett.
Cope.	Sentell.
Cox.	Schlesinger.
Crudgington.	Schlosshan.
Davis of Dallas.	Scholl.
Davis of Grimes.	Seawright.
De Bogory.	Sholars.
Denton.	Smith of Bastrop.
Dudley.	Smith of Hopkins.
Dunnam.	Spencer of Wise.
Estes.	Spradley.
Fairchild.	Stewart.
Fitzpatrick.	Taylor.
Fly.	Templeton.
Haidusek.	Terrell.
Hardey.	Thomason
Harris.	of Nacogdoches.
Holaday.	Thompson
Holland.	of Hunt.
Hudspeth.	Thompson
Johnson.	of Red River.
Jones.	Tillotson.
Laas.	Tilson.
Lacey.	Tinner.
Lange.	Trayler.
Lee.	Tschoepe.
Lanier.	Veatch.
McComb.	Walker.
McDowra.	Williford.
McFarland.	Wilson.
McMillin.	Woods.
Meador.	Yantis.

Present—Not Voting.

Bedell.

Absent.

Bagby.	Moore.
Beard of Harris.	Nichols.
Blalock.	Peddy.
Bryant.	Richards.
Canales.	Roemer.
Davis	Rogers.
of Van Zandt.	Russell.
Fisher.	Smith of Scurry.
Florer.	Spencer of Nolan.
Greenwood.	Strayhorn.
Hartman.	Swope.
Hawkins.	Thomas.
Hill.	Upchurch.
Laney.	Valentine.
Lindemann.	Wahrmund.
Lowe	White.
of McMullen.	Williams
Low	of Brazoria.
of Washington.	Williams
McCoy.	of McLennan
Martin.	Woodul.
Monday.	

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

(Mr. Mendell in the chair.)

HOUSE BILL NO. 37 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 37, A bill to be entitled "An Act to amend Section 45 of Chapter 203, of the Acts of the Regular Session of the Thirty-fifth Legislature, being an act to regulate the use and operation of vehicles upon the public highways."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—97.

Mr. Speaker.	Bryan.
Baker.	Bryant.
Beard of Milam.	Burton of Rusk.
Beasley.	Burton of Tarrant.
Beason.	Butler.
Bedell.	Cadenhead.
Bell.	Carlock.
Bertram.	Cates.
Blackmon.	Clark.
Biand.	Cope.

Cox.	O'Banion.
Crudgington.	O'Brien.
Davis of Dallas.	Parks.
Davis of Grimes.	Peyton.
Davis	Pillow.
of Van Zandt.	Pope.
De Bogory.	Raiden.
Denton.	Reeves.
Dudley.	Robertson.
Estes.	Roemer.
Fairchild.	Sackett.
Fitzpatrick.	Sentell.
Fly.	Schlesinger.
Haidusek.	Schlosshan.
Hardey.	Scholl.
Harris.	Seawright.
Hill.	Sholars.
Holaday.	Smith of Bastrop.
Holland.	Smith of Hopkins.
Hudspeth.	Spencer of Wise.
Johnson.	Spradley.
Jones.	Stewart.
Laas.	Taylor.
Lacey.	Templeton.
Lange.	Terrell.
Lanier.	Thomason
Lee.	of Nacogdoches.
Lindemann.	Thompson
McComb.	of Hunt.
McDowra.	Tillotson.
McFarland.	Tilson.
McMillin.	Tinner.
Meador.	Tschoepe.
Mendell.	Veatch.
Metcalf.	Walker.
Miller of Dallas.	White.
Morris.	Williford.
Murrell.	Wilson.
Neeley.	Woods.
Neill.	Yantis.

Nays—1.

Trayler.

Absent.

Bagby.	Osborne.
Beard of Harris.	Peddy.
Blackburn.	Richards.
Blalock.	Rogers.
Canales.	Russell.
Dunnam.	Smith of Scurry.
Fisher.	Spencer of Nolan.
Florer.	Strayhorn.
Greenwood.	Swope.
Hartman.	Thomas.
Hawkins.	Thompson
Laney.	of Red River.
Lowe	Upchurch.
of McMullen.	Valentine.
Low	Wahrmund.
of Washington.	Williams
McCoy.	of Brazoria.
Martin.	Williams
Monday.	of McLennan.
Moore.	Woodul.
Nichols.	

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

HOUSE BILL NO. 42 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 42, A bill to be entitled "An Act establishing the claim of S. S. Perry against the State of Texas for breach of contract entered into between him and the Board of Prison Commissioners; making an appropriation in payment of said claim; declaring that the Board of Prison Commissioners shall replace the amount thus appropriated when they have the funds, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 43 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 43, A bill to be entitled "An Act to make appropriation for deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1916, and 1917, to cover authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 44 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 44, A bill to be entitled "An Act concerning impeachment of officers; providing what officers, agents and employes may be impeached by the House of Representatives and tried thereon by the Senate; providing for the convening of the House and Senate for such purposes, and declaring an emergency."

The bill was read third time.

Mr. Cope offered the following amendment to the bill:

Amend House bill No. 44 by striking

out at the end of Section 1 the words "agents or employes."

The amendment was adopted.

Mr. Thompson of Hunt offered the following amendment to the bill:

Amend House bill No. 44, Section 2, by adding at the end of the first paragraph of said section, and immediately following the word "members," the following: "Provided, that the members of such investigating committee shall be allowed pay only for the days actually served in making such investigation, and shall only be allowed mileage for one round trip to and from Austin by the most direct route by rail from the place of their residence to said city of Austin during their time of service in making the said investigation; provided further, that no member of such committee who is at the time a member of the House, and who renders such service during a session of the Legislature or immediately following the adjournment of the same, shall receive extra mileage to and from his place of residence by reason of being a member of such committee."

Mr. Cope moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—49.

Baker.	McDowra.
Beasley.	McFarland.
Beason.	McMillin.
Bedell.	Meador.
Blackmon.	Morris.
Bryant.	Murrell.
Burton of Rusk.	Neill.
Cadenhead.	O'Banion.
Cope.	Osborne.
Cox.	Pillow.
Crudgington.	Reeves.
Davis of Grimes.	Sackett.
De Bogory.	Sentell.
Denton.	Schlosshan.
Fitzpatrick.	Seawright.
Hardey.	Sholars.
Holaday.	Smith of Bastrop.
Holland.	Spencer of Wise.
Hudspeth.	Terrell.
Johnson.	Tillotson.
Laas.	Trayler.
Lacey.	Tschoepe.
Lange.	Williford.
McComb.	Wilson.

Nays—45.

Beard of Milam.	Bertram.
Bell.	Blackburn.

Bland.	Peyton.
Bryan.	Pope.
Burton of Tarrant.	Raiden.
Butler.	Robertson.
Carlock.	Roemer.
Cates.	Schlesinger.
Davis of Dallas.	Scholl.
Davis	Smith of Hopkins.
of Van Zandt.	Spradley.
Dudley.	Stewart.
Dunnam.	Taylor.
Fairchild.	Templeton.
Fly.	Thompson
Haidusek.	of Hunt.
Lanier.	Thompson
Lee.	of Red River.
Lindemann.	Tilson.
Low	Veatch.
of Washington.	Walker.
Mendell.	White.
Miller of Dallas.	Woods.
Neeley.	Yantis.
Parks.	

Present—Not Voting.

Mr. Speaker. Woodul.

Absent.

Bagby.	Moore.
Beard of Harris.	Nichols.
Blalock.	O'Brien.
Canales.	Peddy.
Clark.	Richards.
Dodd.	Rogers.
Estes.	Russell.
Fisher.	Smith of Scurry.
Florer.	Spencer of Nolan.
Greenwood.	Strayhorn.
Harris.	Swope.
Hartman.	Thomas.
Hawkins.	Thomason
Hill.	of Nacogdoches.
Jones.	Tinner.
Laney.	Upchurch.
Low	Valentine.
of McMullen.	Wahrmund.
McCoy.	Williams
Martin.	of Brazoria.
Metcalfe.	Williams
Monday.	of McLennan.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Miller of Austin.	Thomason
Nordhaus.	of El Paso.

Mr. Holland offered the following amendment to the bill:

Amend House bill No. 44, by striking out the words "in civil cases" after the words "district courts of the State."

The amendment was adopted.

Mr. Denton offered the following amendment to the bill:

Amend House bill No. 44, Section 3, by adding at the end of the first paragraph the following:

"Articles of impeachment shall not be preferred by the House of Representatives except upon a three-fifths vote of the members elected.

"After the articles of impeachment are adopted they shall be referred to a board of managers appointed by the Speaker, which board shall consist of nine members of the House, five of whom shall be from among those voting to sustain the articles of impeachment and four from the minority side. The board of managers shall be empowered to redraft the said articles of impeachment and add other articles, if deemed advisable and warranted by the facts and evidence brought out in the investigation.

"The board of managers shall report to the House within twenty-four hours following their appointment the original articles of impeachment and such additional articles as they may choose to include in their complete draft.

"The report of the board of managers, together with the complete draft of articles of impeachment, shall be ordered printed in the House Journal and further action shall not be taken until the second day after the said articles of impeachment shall have been printed in the House Journal, or until and upon a day set aside for this purpose by special order.

"Final adoption of the articles of impeachment shall not be had except by a three-fifths vote of the members elected, and then only after a full and free discussion of the said articles of impeachment shall have been permitted, with the privilege reserved by the House to strike out any or all of the added articles as offered by the board of managers upon a three-fifths vote of the members elected."

Signed—Denton, Dunnam.

Mr. Dudley moved the previous question on the amendment and the passage of the bill, and the main question was ordered.

Mr. O'Brien moved to reconsider the vote by which the main question was ordered.

The motion to reconsider was lost.

Question recurring on the amendment offered by Mr. Denton, it was lost.

Question next recurring on the passage of the bill, yeas and nays were demanded.

The bill was passed by the following vote:

Yeas—79.

Baker.	Morris.
Beard of Milam.	Murrell.
Beasley.	Neeley.
Beason.	Neill.
Bedell.	O'Banion.
Bell.	Osborne.
Bertram.	Peyton.
Blackburn.	Pillow.
Blackmon.	Pope.
Bryan.	Raiden.
Bryant.	Reeves.
Burton of Rusk.	Robertson.
Butler.	Roemer.
Cadenhead.	Russell.
Clark.	Sackett.
Cope.	Sentell.
Crudgington.	Schlesinger.
Davis of Dallas.	Schlosshan.
Davis of Grimes.	Scholl.
Davis	Seawright.
of Van Zandt.	Smith of Bastrop.
De Bogory.	Smith of Hopkins.
Dudley.	Spencer of Wise.
Estes.	Stewart.
Fairchild.	Templeton.
Fly.	Terrell.
Haidusek.	Thomason
Hardey.	of Nacogdoches.
Holaday.	Thompson
Holland.	of Hunt.
Hudspeth.	Tillotson.
Johnson.	Tilson.
Laas.	Tinner.
Lacey.	Traylor.
Lindemann.	Tschoepe.
McComb.	Veatch.
McDowra.	White.
McMillin.	Williford.
Meador.	Wilson.
Metcalfe.	Woodul.
Miller of Dallas.	Yantis.

Nays—17.

Burton of Tarrant.	Mendell.
Carlock.	O'Brien.
Cates.	Parks.
Denton.	Sholars.
Dunnam.	Spradley.
Fitzpatrick.	Taylor.
Harris.	Thompson
Lanier.	of Red River.
Lee.	Walker.

Present—Not Voting.

Mr. Speaker.	Swope.
Cox.	Woods.
Lange.	

Absent.

Bagby.	Martin.
Beard of Harris.	Monday.
Blalock.	Moore.
Bland.	Nichols.
Canales.	Peddy.
Fisher.	Richards.
Florer.	Rogers.
Greenwood.	Smith of Scurry.
Hartman.	Spencer of Nolan.
Hawkins.	Strayhorn.
Hill.	Thomas.
Jones.	Upchurch.
Laney.	Valentine.
Lowe	Wahrmund.
of McMullen.	Williams
Low	of Brazoria.
of Washington.	Williams
McCoy.	of McLennan.
McFarland.	

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

Mr. Cope moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 54 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 54, A bill to be entitled "An Act to amend Section 17, of Chapter 83, approved March 16, 1917, relating to the prospecting and development of minerals in the public lands, so as to appropriate to the general revenue the proceeds arising from the royalties from oil and gas developed in areas other than land belonging to the public free school fund, the University fund, and the several asylum funds, instead of appropriating said proceeds to the game, fish and oyster funds, and declaring an emergency."

The bill was read third time and was passed.

HOUSE BILL NO. 46 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 46, A bill to be entitled "An Act to amend Article 925, Chapter 6, Title 22, Revised Civil Statutes

of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of a city or town to levy and collect taxes, providing for the levy and collection of taxes by a city or town for current expenses, the erection and equipment of or the purchase of public buildings, waterworks, sewers, and other permanent improvements, for the construction of roads, bridges, streets, and for the support and maintenance of public free schools, for the purchase of sites, erection and equipment of public free school buildings, applying the law to certain districts, classifying districts, and declaring an emergency."

The bill was read third time and was passed.

RECESS.

On motion of Mr. Miller of Dallas, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Peyton, House bills Nos. 61 and 62 were ordered not printed.

HOUSE BILL NO. 48 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage.

H. B. No. 48, A bill to be entitled "An Act to create a more efficient road system for Red River county, Texas; making the county commissioners ex-officio road commissioners, and providing for their compensation and defining their powers and duties; providing for the working of hands on the public roads who fail to pay road tax as provided for; providing for the working of roads by contract, if the court so determines; providing for county road superintendent, if the court in its discretion thinks it proper; providing for the collection and disbursement of certain moneys and the payment of fees for special services by certain county officials; providing for penalties for the enforcement of the provisions of this act; declaring its provisions are supplemental to all general

laws of the State on the subject and especially declaring that its provisions shall not conflict with any of the provisions of Chapter 31 of the Local and Special Laws of the Thirty-fourth Legislature, and found on page 91 et seq. of the printed acts thereof."

The bill was read third time and was passed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 26, 1917.
Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate concurs in House amendments to Senate bill No. 9.

The Senate has adopted minority unfavorable committee report to

H. B. No. 9, A bill to be entitled "An Act to amend Article 303, Revised Penal Code of Texas, 1911, providing limitations and expectations upon and to the provisions of Article 302, Revised Penal Code, 1911, relating to selling, etc., on Sunday, so as to exempt from the provisions of Article 302, Penal Code, 1911, the selling, etc., of gasoline, and declaring an emergency."

Respectfully,

JOHN D. McCALL,
Secretary of the Senate.

Mr. Reeves moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m. today, and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the House without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

On motion of Mr. Cope, the Sergeant-at-Arms was instructed to bring in the absentees.

HOUSE BILL NO. 58 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 58, A bill to be entitled "An Act further defining the powers and duties of the State Normal School Board of Regents as set forth in Chapter 191 of the Acts of the Regular Session of the Thirty-fifth Legislature,

which chapter is 'An Act to provide for the establishment, maintenance and government of two State normal schools, providing for the location of same, and declaring an emergency,' and as set forth in Chapter 197 of the Acts of the Regular Session of the Thirty-fifth Legislature, which chapter is 'An Act to provide for the establishment, maintenance and government of a State normal school to be located at Alpine, in Brewster county, Texas, to be known as the "Sul Ross Normal College," and declaring an emergency'; providing for the repeal of all appropriations made for any and all purposes under each of said Chapters 191 and 197; providing for an appropriation to carry into effect the specific powers and duties imposed upon the said State Normal School Board of Regents by the provisions of this act, and declaring an emergency."

The bill was read second time.

(Mr. Mendell in the chair.)

Mr. Pope offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 58 by striking out the words "September 1, 1919," at the end of line 9, Section 1, and insert in lieu thereof the words "September 1, 1921."

(2)

Amend House bill No. 58 by striking out the words "September 1, 1920," in line 11, Section 1, and insert in lieu thereof the words "September 1, 1922."

(3)

Amend House bill No. 58 by striking out the words "September 1, 1922," at the end of line 12, Section 1, and insert in lieu thereof the words "September 1, 1924."

(4)

Amend House bill No. 58 by striking out the words "September 1, 1919," at the end of line 8, Section 2, and insert in lieu thereof the words "September 1, 1921, but no part of said money shall be spent earlier than September 1, 1920."

(5)

Amend House bill No. 58 by inserting after the word "sum" in line 4, page 3, the word "heretofore."

Mr. Thomason of Nacogdoches called for a division of the amendments.

(Committee) amendments (1) and (2) were then severally adopted.

Question next recurring on (committee) amendment (3), yeas and nays were demanded.

(Committee) amendment (3) was adopted by the following vote:

Yeas—81.

Baker.	Meador.
Beard of Milam.	Mendell.
Beasley.	Miller of Dallas.
Bell.	Moore.
Bertram.	Morris.
Blackmon.	Murrell.
Bryan.	Neeley.
Bryant.	Neill.
Burton of Rusk.	O'Brien.
Butler.	Osborne.
Cadenhead.	Parks.
Carlock.	Peyton.
Clark.	Pillow.
Cope.	Pope.
Crudgington.	Raiden.
Davis of Dallas.	Reeves.
Davis of Grimes.	Robertson.
Davis	Roemer.
of Van Zandt.	Russell.
De Bogory.	Sackett.
Dunnam.	Sentell.
Estes.	Schlesinger.
Fairchild.	Schlosshan.
Fitzpatrick.	Seawright.
Fly.	Smith of Bastrop.
Haidusek.	Smith of Hopkins.
Harris.	Spencer of Wise.
Holaday.	Stewart.
Holland.	Taylor.
Hudspeth.	Templeton.
Johnson.	Terrell.
Jones.	Tilson.
Laas.	Tinner.
Lacey.	Trayler.
Lange.	Tschoepe.
Lanier.	Veatch.
Lee.	White.
Lindemann.	Williford.
McComb.	Wilson.
McDowra.	Woods.
McMillin.	Yantis.

Nays—13.

Bland.	Spradley.
Dudley.	Thomason
Hardey.	of Nacogdoches.
Lowe	Thompson
of McMullen.	of Hunt.
Low	Thompson
of Washington.	of Red River.
Metcalfe.	Tillotson.
Scholl.	Woodul.

Present—Not Voting.

Mr. Speaker.	Swope.
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Absent.

Bagby.	Martin.
Beard of Harris.	Monday.
Beason.	Nichols.
Bedell.	O'Banion.
Blackburn.	Peddy.
Blalock.	Richards.
Burton of Tarrant.	Rogers.
Canales.	Sholars.
Cates.	Smith of Scurry.
Cox.	Spencer of Nolan.
Denton.	Strayhorn.
Fisher.	Thomas.
Florer.	Upchurch.
Greenwood.	Valentine.
Hartman.	Wahrmund.
Hawkins.	Walker.
Hill.	Williams
Laney.	of Brazoria.
McCoy.	Williams
McFarland	of McLennan.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

Mr. Thomason of Nacogdoches called for a verification of the vote.

The vote being verified was found correct as first announced.

(Committee) amendments (4) and (5) were then severally adopted.

Mr. Dudley offered the following amendment to the bill:

Amend H. B. No. 58, by striking out everything that relates to Chapter 197, Acts of the Regular Session of the Thirty-fifth Legislature.

The amendment was lost.

Mr. Bertram moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 58 was then passed to engrossment.

HOUSE BILL NO. 58 ON THIRD READING.

Mr. Pope moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—83.

Baker.	Bertram.
Beard of Milam.	Blackmon.
Beasley.	Bland.
Bell.	Bryan.

Bryant.	Neill.
Burton of Rusk.	O'Brien.
Butler.	Osborne.
Cadenhead.	Parks.
Carlock.	Peyton.
Clark.	Pope.
Cope.	Raiden.
Crudgington.	Reeves.
Davis of Dallas.	Robertson.
Davis of Grimes.	Roemer.
Davis	Russell.
of Van Zandt.	Sackett.
De Bogory.	Sentell.
Dunnam.	Schlesinger.
Estes.	Schlosshan.
Fly.	Scholl.
Haidusek.	Seawright.
Hardey.	Smith of Bastrop.
Harris.	Smith of Hopkins.
Holaday.	Spencer of Wise.
Holland.	Spradley.
Hudspeth.	Stewart.
Johnson.	Taylor.
Jones.	Templeton.
Laas.	Terrell.
Lacey.	Thomason
Lange.	of Hunt.
Lanier.	Tillotson.
Lee.	Tilson.
Lindemann.	Tinner.
Lowe	Trayler.
of McMullen.	Tschoepe.
McComb.	Veatch.
McDowra.	White.
McMillin.	Williford.
Meador.	Wilson.
Mendell.	Woods.
Murrell.	Woodul.
Neeley.	Yantis.

Nays—16.

Blackburn.	Moore.
Dudley.	Morris.
Fairchild.	Pillow.
Fisher.	Swope.
Fitzpatrick.	Thompson
Low	of Nacogdoches.
of Washington.	Thompson
Martin.	of Red River.
Metcalfe.	Walker.

Present—Not Voting.

Mr. Speaker.

Absent.

Bagby.	Greenwood.
Beard of Harris.	Hartman.
Beason.	Hawkins.
Bedell.	Hill.
Blalock.	Laney.
Burton of Tarrant.	McCoy.
Canales.	McFarland.
Cates.	Monday.
Cox.	Nichols.
Denton.	O'Banion.
Florer.	Peddy.

Richards.	Upchurch.
Rogers.	Valentine.
Sholars.	Wahrmund.
Smith of Scurry.	Williams
Spencer of Nolan.	of Brazoria.
Strayhorn.	Williams
Thomas.	of McLennan.

Absent—Excused.

Bledsoe.	Nordhaus.
Brown.	Poage.
Dodd.	Sallas.
Miller of Austin.	

Paired.

Mr. Miller of Dallas (present), who would vote "yea," with Mr. Thomason of El Paso (absent), who would vote "nay."

The Speaker then laid House bill No. 58 before the House, on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll and the bill was passed by the following vote:

Yeas—84.

Baker.	Lindemann.
Beard of Milam.	McComb.
Beasley.	McDowra.
Bell.	McMillin.
Bertram.	Meador.
Blackmon.	Mendell.
Bland.	Morris.
Bryan.	Murrell.
Bryant.	Neeley.
Burton of Rusk.	O'Brien.
Butler.	Osborne.
Cadenhead.	Peyton.
Carlock.	Pillow.
Clark.	Pope.
Cope.	Raiden.
Crudgington.	Reeves.
Davis of Dallas.	Robertson.
Davis of Grimes.	Roemer.
Davis	Russell.
of Van Zandt.	Sackett.
De Bogory.	Sentell.
Dunnam.	Schlesinger.
Estes.	Schlosshan.
Fairchild.	Scholl.
Fisher.	Seawright.
Fly.	Sholars.
Haidusek.	Smith of Bastrop.
Harris.	Smith of Hopkins.
Holaday.	Spencer of Wise.
Holland.	Spradley.
Hudspeth.	Stewart.
Johnson.	Taylor.
Jones.	Templeton.
Laas.	Terrell.
Lacey.	Tillotson.
Lange.	Tilson.
Lanier.	Tinner.
Lee.	Trayler.

Tschoepe.	Wilson.
Veatch.	Woods.
Walker.	Woodul.
White.	Yantis.
Williford.	

Nays—13.

Blackburn.	Metcalf.
Dudley.	Parks.
Fitzpatrick.	Swope.
Hardey.	Thomason
Lowe	of Nacogdoches.
of McMullen.	Thompson
Low	of Hunt.
of Washington.	Thompson
Martin.	of Red River.

Present—Not Voting.

Mr. Speaker.

Absent.

Bagby.	Moore.
Beard of Harris.	Neill.
Beason.	Nichols.
Bedell.	O'Banion.
Blalock.	Peddy.
Burton of Tarrant.	Richards.
Canales.	Rogers.
Cates.	Smith of Scurry.
Cox.	Spencer of Nolan.
Denton.	Strayhorn.
Florer.	Thomas.
Greenwood.	Upchurch.
Hartman.	Valentine.
Hawkins.	Wahrmund.
Hill.	Williams
Laney.	of Brazoria.
McCoy.	Williams
McFarland.	of McLennan.
Monday.	

Absent—Excused.

Bledsoe.	Nordhaus.
Brown.	Poage.
Dodd.	Sallas.
Miller of Austin.	

Paired.

Mr. Miller of Dallas (present), who would vote "yea," with Mr. Thomason of El Paso (absent), who would vote "nay."

Reason for Vote.

I am in favor of the objects of House bill No. 58, but inasmuch as the bill seeks to confer legislative power and authority upon the Board of Regents, I believe it is unconstitutional, and for that reason, and for that reason only, I vote "no" upon its passage.

THOMPSON of Hunt.

Mr. Pope moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

REPORT OF BOARD OF MANAGERS.

The Speaker laid before the House, and had read the following report of the Board of Managers heretofore appointed to present to the Senate impeachment charges against Governor James E. Ferguson:

Committee Room,
Austin, Texas, September 24, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: We, the Board of Managers, appointed by the House on August 24, 1917, to prepare, present and prosecute Articles of Impeachment against James E. Ferguson, Governor of Texas, before the Senate of the State of Texas, beg leave to report that:

Twenty-one articles of impeachment were presented to this House and were adopted, and that on said August 24th said Articles of Impeachment were by us presented to the Senate of Texas and that thereafter the Senate of the State of Texas, sitting as a High Court of Impeachment, heard evidence thereon and on Saturday, September 22, 1917, the Senate of Texas, sitting as such High Court of Impeachment, adopted and sustained Articles of Impeachment Nos. 1, 2, 6, 7, 11, 12, 14, 16, 17 and 19 by the constitutional vote necessary therefor, thereby removing the said James E. Ferguson from the office of Governor of Texas.

That Articles 3, 4, 5, 8, 9, 10, 13, 15, 18, 20 and 21 were not sustained by said court.

That in the presentation of said Articles of Impeachment before the Senate of Texas, your Board of Managers was ably represented by their attorney, Gen. M. M. Crane of Dallas, who was assisted by the Hon. Will R. Harris of Dallas.

A copy of the judgment entered by the Senate in said impeachment proceedings is hereto attached and made a part of this report.

Respectfully submitted,

BLED SOE, Chairman;
FLY,
BRYAN,
HAIDUSEK,
McMILLIN,
SPENCER of Wise,
MURRELL,
THOMASON of El Paso,
COPE,
WOODS.

State of Texas vs. Jas. E. Ferguson.

Whereas, The House of Representatives of the State of Texas did, on the 24th day of August, 1917, exhibit to the Senate of the State of Texas articles of impeachment against James E. Ferguson, Governor of the State of Texas, and the said Senate, after a full hearing and an impartial trial, has by the votes of two-thirds of the members present this day determined that the said James E. Ferguson is guilty as charged in the first, second, sixth, seventh, eleventh, twelfth, fourteenth, sixteenth, seventeenth and nineteenth of said articles of impeachment.

Said articles and the votes thereon being as follows, to wit:

Article 1.

That there was paid from the funds of the Canyon City Normal School deposited with the Temple State Bank on August 23, 1915, a note of \$5000, together with \$600 interest, due by James E. Ferguson to the First National Bank at Temple, Texas. That said amount has never been refunded to the State of Texas. That in part payment of the total due for the building of the Canyon City Normal College he used other funds, a portion of which belonged to the State, and the balance being in his hands as Governor, and deposited to his credit as Governor in the American National Bank of Austin, which acts constitute a violation of law. The vote for sustaining this article being 27 for and 4 against.

Article 2.

That James E. Ferguson received from former Governor O. B. Colquitt more than \$101,000, the proceeds from insurance policies on the Canyon City Normal School. That at the time said moneys were turned over to him they were on deposit in banks bearing interest at from 4½ to 5 per cent and which remained there for approximately one year, and that he deposited the other amounts in banks in which he was interested as a stockholder, and in the American National Bank, to which he shortly afterwards became indebted. That he received direct and personal profit as a stockholder of the Temple State Bank from the deposit placed with it, thus using and misapplying State funds for his individual benefit and profit. The vote for sustaining this article being 26 for and 5 against.

Article 6.

That there was deposited by James E. Ferguson in the Temple State Bank on or about the month of January, 1917, the sum of \$60,000 belonging to the State of Texas and in the possession of the Secretary of State by virtue of his office, said amount being represented by a check of the Secretary of State, although the State Treasury was open for the purpose of receiving same. That James E. Ferguson was a stockholder in said bank, owning more than one-fourth of the stock, and that the said Temple State Bank and James E. Ferguson used said funds and received the profit and benefit, the said James E. Ferguson receiving more than one-fourth of the profits and of the benefits. The vote for sustaining this article being 24 for and 7 against.

Article 7.

That on or about May 29, 1917, Jas. E. Ferguson accompanied T. H. Heard, president of the Temple State Bank, went to the American National Bank at Austin, and the said T. H. Heard deposited to the credit of the Temple State Bank with the knowledge and consent of the said James E. Ferguson the sum of \$250,000 of the funds belonging to the State of Texas and in the possession of the Secretary of State, said funds being represented by five checks drawn by the Secretary of State in the sum of \$50,000 each, although the State Treasury was then and there open for the purpose of receiving same. That the said James E. Ferguson owned more than one-fourth of the stock of the Temple State Bank and that said amount was used by the Temple State Bank for its own profit and benefit, more than one-fourth of which profit and benefit belonged to James E. Ferguson. The vote for sustaining this article being 26 for and 5 against.

Article 11.

That in this investigation of James E. Ferguson by the Committee of the Whole House of Representatives said James E. Ferguson testified that during the Regular Session of the Thirty-fifth Legislature and shortly thereafter he received from parties certain currency in varying amounts, the total of which was about \$156,500. That said transaction is unusual and questionable, and that the said James E. Ferguson, when questioned as to who loaned him this money,

declined to answer, although the officer of the Committee of the Whole appointed to pass on the admissibility of testimony ruled that he should answer, and the committee sustained said ruling. That he is thus not only in contempt of the House and its committee, but he insists that he is not required to give before the representatives of the people of Texas an accounting of said \$156,500 in currency which he received during sessions of the Legislature or shortly thereafter, and the receipt of such sums in currency, and the failure to account for same constitutes official misconduct. The vote for sustaining this article being 27 for and 4 against.

Article 12.

That James E. Ferguson had on deposit during the year of 1916 in the American National Bank to his account as Governor certain sums of money belonging to the Adjutant General's Department of Texas aggregating more than \$3000, said funds being the property of the State of Texas, but set aside for that department. That in violation of the statutes of Texas he diverted these funds from their lawful purpose and paid same as a portion of the amount for the construction of buildings of the normal college located at Canyon City. The vote for sustaining this article being 27 for and 4 against.

Article 14.

That by an express provision of the Constitution and his oath of office the Governor is bound to enforce all laws of the State of Texas. The laws of Texas during the period of his administration expressly forbade State banks to lend money in excess of 30 per cent of its capital stock. This was known to the Governor, yet in violation of this provision of the law he induced the officers of the Temple State Bank to lend to him, James E. Ferguson, an amount far in excess of that authorized by law, which loans were made during the years 1916 and 1917. The vote for sustaining this article being 26 for and 5 against.

Article 16.

Section 30a of Article 16 of the Constitution of Texas provides for the Board of Regents for the University of Texas, who shall hold office for six years, their terms expiring one-third every two years. The purpose of the people of Texas in the adoption of this provision was to

take the University of Texas and all other such State institutions from the control of politics, and to keep the different boards from being under the control and domination of whomever might happen to be Governor. By Articles 2639 and 2640 of the Revised Civil Statutes of 1911 the Board of Regents are given the management of the affairs of the University of Texas with the discretion to remove members of the faculty when in their judgment it is deemed best. That it is the duty of the Governor, or any private citizen, to call attention of the Board of Regents to any mismanagement or improper practices at the University or any other State institutions is readily conceded. The people themselves have given to the Board of Regents by constitutional enactment, which has been confirmed by statutory law, the sole right to judge of the truth of the charges and the punishment to be inflicted against members of the faculty. The Board of Regents in their sphere are just as supreme as the Governor is in his, each having both constitutional and statutory duties to perform, and each being answerable to the people of Texas. The Governor of Texas not only filed charges against certain members of the faculty, as he had a right to do, but after the members were exonerated by the Board of Regents he has sought to have the members of the faculty expelled from that institution because he desired it. He has thus sought to set aside the Constitution and law giving to the Board of Regents the discretion in matters of this kind and assert instead of their legal judgment his own autocratic will. The vote for sustaining this article being 22 for and 9 against.

Article 17.

Article 6027 of the Revised Civil Statutes of 1911 provides for the removal of members of the Board of Regents (among other officials) for "good and sufficient cause." The Governor has sought to remove members of the Board of Regents without such cause, has demanded resignations of others without reason, simply and only because he could not dictate to them as to how they should cast their votes in reference to matters arising before them. Such conduct was a clear violation of the law, and would serve to make inoperative the provision of the Constitution providing for six-year

terms of office. The vote for sustaining this Article being 22 for and 8 against (1 present and not voting).

Article 19.

The Governor of Texas has sought to use the power of his office to control members of the Board of Regents. The Chairman of the Board of Regents had become surety on a bail bond, the case pending in Jones county, Texas. The defendant escaped and judgment was secured on the said bond in the sum of \$5000 against the principal and sureties, one of the sureties being Wilbur P. Allen, chairman of the Board of Regents of the University of Texas. He applied to the Governor of Texas for the remission of the judgment, which he would have had to pay and without good reason but only to influence his action as a member of the Board of Regents, James E. Ferguson as Governor remitted the forfeiture of \$5000, which except for such action of James E. Ferguson, would have belonged to the people of Texas. The vote for sustaining this article being 21 for and 10 against.

Now, therefore, it is adjudged by the Senate of the State of Texas sitting as a Court of Impeachment, at their Chamber, in the city of Austin, that the said James E. Ferguson be and is hereby removed from the office of Governor and be disqualified to hold any office of honor, trust or profit under the State of Texas. It is further ordered that a copy of this judgment be enrolled and certified by the President Pro Tem. of this Senate as presiding officer, and the Secretary of the Senate, and that such certified copy be deposited in the office of the Secretary of State of the State of Texas, and be printed in the Senate Journal.

MOTION TO PRINT HOUSE BILL NO. 59 IN JOURNAL.

Mr. Miller of Dallas moved to print House bill No. 59, providing for a Legislative Investigating Committee, in the Journal.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—43.

Bell.
Blackburn.
Bland.
Bryan.
Bryant.
Butler.

Carlock.
Crudgington.
Dudley.
Fisher.
Fitzpatrick.
Fly.

Haidusek.	O'Brien.
Hardey.	Parks.
Harris.	Pope.
Holland.	Robertson.
Jones.	Scholl.
Laas.	Spradley.
Lange.	Swope.
Lanier.	Templeton.
Lowe	Thompson
of McMullen.	of Hunt.
Low	Tillotson.
of Washington.	Tschoepe.
Mendell.	Veatch.
Miller of Dallas.	Walker.
Moore.	Woods.
Morris.	Woodul.
Neeley.	

Nays—51.

Baker.	Osborne.
Beasley.	Peyton.
Bertram.	Pillow.
Blackmon.	Raiden.
Burtón of Rusk.	Reeves.
Cadenhead.	Richards.
Clark.	Roemer.
Cope.	Russell.
Davis of Dallas	Sackett.
Davis of Grimes.	Sentell.
Davis	Schlosshan.
of Van Zandt.	Seawright.
De Bogory.	Sholars.
Estes.	Smith of Bastrop.
Fairchild.	Smith of Hopkins.
Holaday.	Spencer of Wise.
Hudspeth.	Stewart.
Johnson.	Taylor.
Lacey.	Terrell.
Lee.	Tilson.
McComb.	Tinner.
McDowra.	Trayler.
McMillin.	White.
Meador.	Williford.
Metcalfe.	Wilson.
Murrell.	Yantis.

Present—Not Voting.

Mr. Speaker.

Absent.

Bagby.	Hill.
Beard of Harris.	Laney.
Beard of Milam.	Lindemann.
Beason.	McCoy.
Bedell.	McFarland
Blalock.	Martin.
Burton of Tarrant.	Monday.
Canales.	Neill.
Cates.	Nichols.
Cox.	O'Banion.
Denton.	Peddy.
Dunnam.	Rogers.
Florer.	Schlesinger.
Greenwood.	Smith of Scurry.
Hartman.	Spencer of Nolan.
Hawkins.	Strayhorn.

Thomas.	Valentine.
Thomason	Wahrmund.
of Nacogdoches.	Williams
Thompson	of Brazoria.
of Red River.	Williams
Upchurch.	of McLennan.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

Mr. Raiden moved to reconsider the vote by which the motion to print in the Journal was lost and to table the motion to reconsider.

The motion to table prevailed.

BILL ORDERED NOT PRINTED.

Mr. McMillin moved to suspend the House Rule requiring all bills reported favorably to be printed before being considered by the House, and that House bill No. 57 be not printed.

The Clerk was directed to call the roll, and the motion prevailed by the following vote:

Yeas—72.

Mr. Speaker.	Meador.
Baker.	Mendell.
Beasley.	Metcalfe.
Bertram.	Morris.
Blackmon.	Murrell.
Bryan.	Neeley.
Bryant.	Neill.
Burton of Rusk.	Osborne.
Butler.	Peyton.
Cadenhead.	Raiden.
Clark.	Reeves.
Cope.	Richards.
Crudgington.	Robertson.
Davis of Dallas.	Roemer.
Davis of Grimes.	Russell.
Davis	Sackett.
of Van Zandt.	Sentell.
De Bogory.	Schlesinger.
Estes.	Schlosshan.
Fairchild.	Seawright.
Fly.	Sholars.
Haidusek.	Smith of Bastrop.
Hardey.	Smith of Hopkins.
Harris.	Spencer of Wise.
Holaday.	Stewart.
Hudspeth.	Taylor.
Johnson.	Templeton.
Laas.	Terrell.
Lacey.	Thompson
Lee.	of Hunt.
McComb.	Tillotson.
McDowra.	Tilson.
McMillin.	Tinner.

Trayler.
Veatch.
White.
Williford.

Wilson.
Woods.
Woodul.
Yantis.

Nays—20.

Bell.	Low
Blackburn.	of Washington.
Bland.	Martin.
Carlock.	Miller of Dallas.
Dudley.	Moore.
Dunnam.	O'Brien.
Fisher.	Parks.
Fitzpatrick.	Scholl.
Holland.	Spradley.
Jones.	Swope.
Lange.	Thompson
Lanier.	of Red River.
Lowe	Tschoepe.
of McMullen.	Walker.

Absent.

Bagby.	Nichols.
Beard of Harris.	O'Banion
Beard of Milam.	Peddy.
Beason.	Pillow.
Bedell.	Pope.
Blalock.	Rogers.
Burton of Tarrant.	Sallas.
Canales.	Smith of Scurry.
Cates.	Spencer of Nolan.
Cox.	Strayhorn.
Denton.	Thomas.
Florer.	Thomason
Greenwood.	of Nacogdoches.
Hartman.	Upchurch.
Hawkins.	Valentine.
Hill.	Wahrmund.
Laney.	Williams
Lindemann.	of Brazoria.
McCoy.	Williams
McFarland.	of McLennan.
Monday.	

Absent—Excused.

Bledsoe.	Nordhaus.
Brown.	Poage.
Dodd.	Thomason
Miller of Austin.	of El Paso.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 29, "An Act to create a more efficient road law for Madison county, etc., and declaring an emergency."

S. B. No. 26, "An Act to authorize the commissioners court of Brewster county, State of Texas, by a majority vote to issue scrip payable from one to twenty years from date, bearing interest at the rate not to exceed 6 per

cent, for the purpose of taking up the present indebtedness of the county incurred for the building of roads and bridges in said county; providing that the net yearly revenue less the necessary sinking fund to cover said scrip issue may be used by the commissioners court of said county in repairing and building roads and bridges, and declaring an emergency."

S. B. No. 6, "An Act to further regulate the conducting of fish hatcheries and the propagation of fish in this State by amending Article 4000 of the Revised Civil Statutes of this State, 1911, as amended by Chapter 146 of the Thirty-third Legislature, providing for the distribution by the State fish hatcheries of fish to private persons, providing that the Game, Fish and Oyster Commissioner of the State of Texas, as well as the United States Commissioner of Fisheries, or their duly authorized agents, may take or catch brood fish from the public fresh waters of this State, for the purpose of propagation; according to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatcheries and fish culture and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper; providing for a closed season on crappie, bass and catfish; prescribing the size of fish that may be taken; providing a penalty for violation of this statute, and declaring an emergency."

HOUSE BILL NO. 57 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 57, A bill to be entitled "An Act making an additional appropriation of the sum of \$50,000, or so much thereof as may be necessary, to pay the contingent expenses of the Third Called Session of the Thirty-fifth Legislature of the State of Texas, convened August 31, 1917, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The bill was read second time.

Mr. Cope offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 57 by striking out the words "fifty thousand dollars"

where they occur in the bill and insert in lieu thereof "thirty-five thousand dollars."

(2)

Amend House bill No. 57 by striking out the words "fifty thousand dollars" in the caption and insert in lieu thereof the words "thirty-five thousand dollars."

The (committee) amendments were adopted.

House bill No. 57 was then passed to engrossment.

Mr. Cope moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP HOUSE BILL NO. 57.

Mr. McMillin moved to suspend the constitutional rule requiring bills to be read on three several days and that House bill No. 57 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—72.

Mr. Speaker.	Mendell.
Baker.	Metcalf.
Beasley.	Morris.
Bertram.	Murrell.
Blackmon.	Neeley.
Bryan.	Neill.
Bryant.	Osborne.
Burton of Rusk.	Peyton.
Butler.	Pillow.
Cadenhead.	Raiden.
Clark.	Reeves.
Cope.	Richards.
Crudgington.	Robertson.
Davis of Dallas.	Roemer.
Davis of Grimes.	Russell.
Davis	Sackett.
of Van Zandt.	Sentell.
De Bogory.	Schlesinger.
Estes.	Schlosshan.
Fairchild.	Scholl.
Fly.	Seawright.
Haidusek.	Sholars.
Hardey.	Smith of Bastrop.
Harris.	Smith of Hopkins.
Holaday.	Spencer of Wise.
Hudspeth.	Stewart.
Johnson.	Taylor.
Laas.	Terrell.
Lacey.	Thompson
McComb.	of Hunt.
McDowra.	Tilson.
McMillin.	Tinner.
Martin.	Trayler.
Meador.	Veatch.

White.
Williford.
Wilson.

Woods.
Woodul.
Yantis.

Nays—25.

Bell.
Blackburn.
Bland.
Dudley.
Dunnam.
Fisher.
Fitzpatrick.
Holland.
Jones.
Lange.
Lanier.
Lee.
Lowe
of McMullen.

Low
of Washington.
Miller of Dallas.
Moore.
O'Brien.
Parks.
Spradley.
Swope.
Templeton.
Thompson
of Red River.
Tillotson.
Tschoepe.
Walker.

Absent.

Bagby.	McFarland.
Beard of Harris.	Monday.
Beard of Milam.	Nichols.
Beason.	O'Banion.
Bedell.	Peddy.
Blalock.	Pope.
Burton of Tarrant.	Rogers.
Canales.	Smith of Scurry.
Carlock.	Spencer of Nolan.
Cates.	Strayhorn.
Cox.	Thomas.
Denton.	Thomason
Florer.	of Nacogdoches.
Greenwood.	Upchurch.
Hartman.	Valentine.
Hawkins.	Wahrmund.
Hill.	Williams
Laney.	of Brazoria.
Lindemann.	Williams
McCoy.	of McLennan.

Absent—Excused.

Bledsoe.	Poage.
Brown.	Sallas.
Dodd.	Thomason
Miller of Austin.	of El Paso.
Nordhaus.	

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, September 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 22, A bill to be entitled "An Act making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31,

1919, as follows, towit: For the salaries of special district judges, for fees and costs of sheriffs, attorneys and clerks in felony cases, for the salary of Assistant Adjutant General and the quartermaster of the Adjutant General's Department, for the salary of the Chief Inspector of Nurseries for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the chief clerk of the Game, Fish, and Oyster Commissioner's Department, for the salary of the Bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department, for the salaries and expenses for collecting fees under the Pure Food Laws, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of porter in the Attorney General's Department, for the salary of the Commissioner of Insurance and Banking, for the salary of the Superintendent of the State Orphans' Home, for the salaries of twelve non-graduate nurses for the first year at the Tuberculosis Sanitarium, for salaries of three assistants to the Inspector of Masonry and for the material tests and analysis, long distance telephone, telegraph, express and freight charges and incidentals and traveling expenses for the Department of Inspector of Masonry, and to pay miscellaneous claims, and for other purposes; prescribing certain regulations and restrictions in respect thereto; repealing parts of laws heretofore passed making appropriations for the particular items named in this bill, and declaring an emergency," with amendments.

The Senate has adopted Senate Concurrent Resolution No. 5.

Respectfully,

JOHN D. McCALL,
Secretary of the Senate.

HOUSE BILL NO. 47 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 47, A bill to be entitled "An Act to amend Article 3876, Revised Civil Statutes of 1911, fixing the compensation of county surveyors and providing for office supplies and also providing that each and every county pro-

vide all instruments necessary to surveyors, which instruments shall be the property of said counties, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

The House then refused to pass the bill to engrossment.

Mr. Smith of Hopkins moved to reconsider the vote by which the House refused to pass the bill to engrossment and to table the motion to reconsider.

The motion to table prevailed.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 22.

Mr. Woods called up from the Speaker's table with Senate amendments, for consideration of the amendments,

H. B. No. 22, A bill to be entitled "An Act making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, as follows, towit: For the salaries of special district judges, for fees and costs of sheriffs, attorneys and clerks in felony cases, for the salary of Assistant Adjutant General and the quartermaster of the Adjutant General's Department, for the salary of the Chief Inspector of Nurseries for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the chief clerk of the Game, Fish and Oyster Commissioner's Department, for the salary of the Bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department for the salaries and expenses for collecting fees under the Pure Food Laws, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of the porter in the Attorney General's Department, for the salary of the Commissioner of Insurance and Banking, for the salary of the Superintendent of the State Orphans' Home, for the salaries of twelve non-graduate nurses for the first year at Tuberculosis Sanitarium, for salaries of three assistants to the Inspector of Masonry and for material tests and analyses, long distance telephone, telegraph, express and freight charges and incidentals and traveling expenses for the Department of Inspector of Masonry, and to pay miscellaneous claims, and for other purposes;

prescribing certain regulations and restrictions in respect thereto; repealing parts of law heretofore passed making appropriations for the particular items named in this bill, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Woods moved that the House do not concur in the Senate amendments and that a Free Conference Committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on part of the House:

Messrs. Miller of Dallas, Peyton, Dudley, Woods and Mendell.

HOUSE BILL NO. 62 ON SECOND READING.

Mr. Terrell moved to suspend the constitutional rule requiring bills to be read on three several days and that House bill No. 62 be placed on its second and third readings and on its final passage.

The motion prevailed by the following vote:

Yeas—76.

Baker.	Lee.
Beard of Milam.	Lindemann.
Beasley.	McComb.
Bell.	McDowra.
Blackburn.	McMillin.
Blackmon.	Meador.
Bryant.	Mendell.
Burton of Rusk.	Moore.
Butler.	Murrell.
Cadenhead.	Neeley.
Carlock.	Neill.
Clark.	O'Brien.
Cope.	Osborne.
Cox.	Peyton.
Davis of Dallas.	Pillow.
Davis of Grimes.	Pope.
Davis	Raiden.
of Van Zandt.	Reeves.
De Bogory.	Richards.
Estes.	Robertson.
Fairchild.	Roemer.
Haidusek.	Russell.
Hardey.	Sackett.
Harris.	Sentell.
Holaday.	Schlesinger.
Hudspeth.	Schlosshan.
Jones.	Scholl.
Laas.	Seawright.
Lacey.	Smith of Bastrop.
Lanier.	Smith of Hopkins.

Spencer of Wise.	Tinner.
Stewart.	Traylor.
Swope.	Tschoepe.
Taylor.	Veatch.
Templeton.	White.
Terrell.	Williford.
Thompson	Wilson.
of Hunt.	Woods.
Tilson.	Yantis.

Nays—19.

Bland.	Low
Bryan.	of Washington.
Crudgington.	Martin.
Dudley.	Metcalf.
Dunnam.	Miller of Dallas.
Fisher.	Morris.
Fitzpatrick.	Parks.
Fly.	Spradley.
Greenwood.	Walker.
Lowe	Woodul.
of McMullen.	

Present—Not Voting.

Mr. Speaker.	Thompson
Bertram.	of Red River.
	Tillotson.

Absent.

Bagby.	Miller of Austin.
Beard of Harris.	Monday.
Beason.	Nichols.
Bedell.	O'Banion.
Blalock.	Peddy.
Burton of Tarrant.	Rogers.
Canales.	Sholars.
Cates.	Smith of Scurry.
Denton.	Spencer of Nolan.
Dodd.	Strayhorn.
Florer.	Thomas.
Hartman.	Thomason
Hawkins.	of Nacogdoches.
Hill.	Upchurch.
Holland.	Valentine.
Johnson.	Wahrmund.
Laney.	Williams
Lange.	of Brazoria.
McCoy.	Williams
McFarland	of McLennan.

Absent—Excused.

Bledsoe.	Sallas.
Brown.	Thomason
Nordhaus.	of El Paso.
Poage.	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 62, A bill to be entitled "An Act to repeal Chapter 36, Acts of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917, entitled 'An Act to provide for

the organization of a Ranger Home Guard, repealing all appropriations made under the provisions of this act not already expended, and declaring an emergency."

The bill was read second time.

On motion of Mr. Bryan, the bill was laid upon the table subject to call.

RELATING TO COURT REPORTS IN BASEMENT OF CAPITOL.

The Speaker laid before the House, for consideration at this time, the following resolution:

Senate Concurrent Resolution No. 5, relating to copies of court reports in the basement of the Capitol.

Be it resolved by the Senate of Texas, the House of Representatives concurring:

Whereas, There are in the vaults in the basement of the Capitol building at Austin, Texas, large quantities of the Courts of Civil Appeals Reports and of the Supreme Court and the appellate courts; and

Whereas, Many of these volumes are needed to complete the libraries of the various appellate courts of this State; now, therefore, be it

Resolved, That upon a request made by the three judges of any such appellate court of the Secretary of State, such Secretary of State shall forward to such court, free of charge, except that freight or express charges shall be paid by the consignee, any of such volumes on hand which may be needed to complete the library of such court or any of the judges thereof.

The resolution was read second time and was adopted.

RECESS.

On motion of Mr. Pope, the House, at 4:40 o'clock p. m., took recess until 9:30 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON APPROPRIATIONS.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill

No. 58, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with committee amendments.

PEYTON, Chairman.

Committee Room,

Austin, Texas, September 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 62, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

PEYTON, Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 51, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

PEYTON, Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Appropriations, to whom was referred House bill No. 57, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass with committee amendment.

PEYTON, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 44, A bill to be entitled "An Act concerning impeachment of officers; providing what officers, agents and employes may be impeached by the House of Representatives and tried thereon by the Senate; providing for the convening of the House and Senate

for such purposes, and declaring an emergency."

And find the same correctly engrossed.
DENTON, Chairman.

Committee Room,

Austin, Texas, September 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 48, A bill to be entitled "An Act to create a more efficient road system for Red River county, Texas; making the county commissioners ex-officio road commissioners, and providing for their compensation, and defining their powers and duties; providing for the working of hands on the public roads, who fail to pay road tax as provided for; providing for the working of roads by contract if court so determines; providing for county road superintendent, if court in its discretion thinks it proper; providing that the delinquent poll tax payers of Red River county shall be liable for extra duty on the public roads and highways of said county; providing for the collection and disbursements of certain moneys and the payment of fees for special services by certain county officials; providing for penalties for the enforcement of the provisions of this act; declaring its provisions are supplemental of all general laws of the State on the subject, and especially declaring that its provisions shall not conflict with any of the provisions of Chapter 31 of the Local and Special Laws of the Thirty-fourth Legislature and found on pages 91 et seq. of the printed acts thereof."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 54, A bill to be entitled "An Act to amend Section 17 of Chapter 83, approved March 16, 1917, relating to the prospecting and development of minerals in the public lands so as to appropriate to the general revenue the proceeds arising from the royalties from oil and gas developed in areas

other than land belonging to the public free school fund, the University fund and the several asylum funds, instead of appropriating said proceeds to the game, fish and oyster fund, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 56, A bill to be entitled "An Act to repeal all special road laws heretofore enacted for Titus county, Texas, and to specifically repeal Chapter 106 of Special Laws of the Regular Session of the Thirty-third Legislature, 1913, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 58, A bill to be entitled "An Act further defining the powers and duties of the State Normal School Board of Regents as set forth in Chapter 191 of the Acts of the Regular Session of the Thirty-fifth Legislature, which chapter is, 'An Act to provide for the establishment, maintenance and government of two State normal schools; providing for the location of same, and declaring an emergency'; and as set forth in Chapter 197 of the Acts of the Regular Session of the Thirty-fifth Legislature, which chapter is, 'An Act to provide for the establishment, maintenance and government of a State Normal School, to be located at Alpine in Brewster county, Texas, to be known as the "Sul Ross Normal College," and declaring an emergency'; providing for the repeal of all appropriations made for any and all purposes under each of said Chapters 191 and 197; providing for an appropriation to carry into effect the specific powers and duties imposed upon the said State Normal School Board of Re-

gents by the provisions of this act, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 29, A bill to be entitled "An Act to amend Section 1 of Chapter 123, page 320, of the General Laws of the State of Texas, as passed by the Thirty-fifth Legislature at its Regular Session, so as to provide that said act shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy Regulations nor be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which shall be printed, painted, or placed said flag or flags, disconnected from any advertisement, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 25, A bill to be entitled "An Act to amend Article 5692, Revised Civil Statutes of Texas, as adopted in 1911, providing that actions for specific performance shall be filed within two years, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 30, A bill to be entitled "An Act making an appropriation out

of the general revenue for additional support of the Game, Fish and Oyster Department for the fiscal years ending August 31, 1918, and August 31, 1919, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 36, A bill to be entitled "An Act to amend Article 6799, Chapter 2, Title 118 of the Revised Civil Statutes of the State of Texas for 1911, providing for acknowledgments of deeds and other instruments, by persons in military service of the United States government to be taken before any officer of the Judge Advocate General's Department, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 43, A bill to be entitled "An Act to make appropriation for deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1916, and 1917, to cover authorized deficiency claims registered in the office of the Comptroller of Public Accounts of the State of Texas, in accordance with law, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,

Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 37, A bill to be entitled "An Act to amend Section 45 of Chapter 203, of the Acts of the Regular Session of the Thirty-fifth Legislature, being an

act to regulate the use and operation of vehicles upon the public highways,"

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,
Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 42, A bill to be entitled "An Act establishing the claim of S. S. Perry against the State of Texas for breach of contract entered into between him and the Board of Prison Commissioners; making an appropriation in payment of said claim; declaring that the Board of Prison Commissioners shall replace the amount thus appropriated when they have the funds, and declaring an emergency,"

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

Committee Room,
Austin, Texas, September 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 46, A bill to be entitled "An Act to amend Article 925, Chapter 6, Title 22, Revised Civil Statutes of Texas, 1911, providing for the levy and collection of an ad valorem tax by a city or town sufficient to meet interest payments and to create a sinking fund on all indebtedness incurred prior to the adoption of the constitutional amendment in 1883, regarding the power of a city or town to levy and collect taxes; providing for the levy and collection of taxes by a city or town for current expenses. The erection and equipment of, or the purchase of public buildings, waterworks, sewers, and other permanent improvements, for the construction of roads, bridges, streets and for the support and maintenance of public free schools, for the purchase of sites, erection and equipment of public free school buildings, applying the law to certain districts, classifying districts, and declaring an emergency,"

And find the same correctly engrossed.
RUSSELL, Vice-Chairman.

TWENTY-FIFTH DAY.

(Continued.)

(Thursday, September 27, 1917.)

The House met at 9:30 o'clock a. m. and was called to order by the Speaker.

Mr. Stewart moved a call of the House for the purpose of maintaining a quorum and the motion was duly seconded.

The Speaker directed the Doorkeeper to close the main entrance to the Hall and permit no member to leave the House without written permission from the Chair, and he instructed the Sergeant-at-Arms to lock all other doors leading out of the Hall.

REVOKING EXCUSES.

On motion of Mr. Stewart, all excuses for absentees were revoked, and the Sergeant-at-Arms was instructed to bring in all absent members.

HOUSE BILL NO. 62 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 62, A bill to be entitled "An Act to amend Section 7 of Chapter 36, Acts of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917, entitled 'An Act to provide for the organization of a Ranger Home Guard, reducing the appropriation, and declaring an emergency.'"

The bill having been read second time on yesterday.

Question—Shall the bill be passed to engrossment?

Mr. Terrell offered the following amendments to the bill:

(1)

Amend House bill No. 62 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That Section 7 of Chapter 36, Acts of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917, entitled 'An Act to provide for the organization of a 'Ranger Home Guard,' be amended so as to read as follows:

"Section 7. The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated out of the funds of the State Treasury, not otherwise appropriated, for the payment of sal-